S.B. CIVIL WRIT PETITION NO. 3934/2005.
(KAMAL KISHORE SONI VS. STATE & ANR.)

DATE OF ORDER : 15.09.2006.

HON'BLE MR. GOVIND MATHUR, J.

Mr. Mukesh Vyas for the petitioner.
Mr. B.L. Tiwari, Dy.GA for the respondents.

In pursuant to the Notification dated 28.07.2003 issued by the Director (Secondary Education), Bikaner, the petitioner submitted an application for the purpose of appointment as Physical Instructor Grade-III, however, his candidature was rejected by the respondents on the count that his certificate, certifying that the petitioner has qualified the bridge course, was not appended with the application form. The decision aforesaid of the respondents is challenged by the petitioner in the instant petition for writ.

The contention of counsel for the petitioner that the qualification of Senior Secondary (Academic) has already been treated equivalent to the qualification of Senior Secondary (Vocational Examination) by the Supreme Court in the case of Sunita Sharma and others vs. State of Rajasthan and others reported in JT 2001 (10) SC 178, therefore, there was no reason available with the respondents to reject the candidature of the petitioner even in the event of non-submission of bridge course equivalent certificate.

A reply to the writ petition has been filed on behalf of the respondents accepting the fact stated by the petitioner that his candidature was rejected only on the count that his certificate qualifying bridge course was not appended with the application form.

Heard counsel for the parties.

The petitioner possessed Senior Secondary (Vocationl Certificate) and that has already been treated equivalent to Senior Secondary (Academic) Certificate much back in the year 2001.

In view of it, even if the petitioner failed to produce the bridge course qualifying certificate, there was no reason for the respondents to reject the candidature of the petitioner. The petitioner being having the qualification of Senior Secondary (Vocational Examination) was eligible to be considered for the purpose of appointment as Instructor, Physical Education Grade III under Rajasthan Education Subordinate Service Rules, 1971.

In view of it, the respondents erroneously rejected the candidature of the petitioner and illegally denied his right to be considered for appointment on the post concerned. The writ

petition is accordingly allowed. The respondents are directed to consider the candidature of the petitioner for the purpose of appointment to the post of Instructor, Physical Education Grade Iii in pursuant to the advertisement dated 28.07.2003.

No order as to costs.

(GOVIND MATHUR)J.

Anil/